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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,264	04/24/2000	Glen Kazumi Okita	02365.P0015	8596

24628 7590 06/21/2006

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EXAMINER

CUNNINGHAM, GREGORY F

ART UNIT	PAPER NUMBER
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2628

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,264

Applicant(s)

OKITA ET AL.

Examiner

Greg F. Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-33 and 47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 27-33 and 47 is/are rejected.
- 7) ☒ Claim(s) 47 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This action is responsive to communications of amendment received 04/07/2006.
2. The disposition of the claims is as follows: claims 27-33 and 47 are pending in the application. Claim 27 is the only independent claim. Claims 1 - 26 have been cancelled. Claims 34 - 46 have been withdrawn. Claim 47 is newly added.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27-33 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyer et al., (US Patent 6,243,105 B1), hereinafter Hoyer, further in view of Tubel et al., (US 6,434,435 B1), hereinafter Tubel, and further in view of Murray, (US 4,413,277).

- A. Hoyer discloses claim 27, "A method of displaying information relating to a workflow driven by a computer system comprising:

executing the workflow [col. 3, lns. 22-31; lns. 39-47], the workflow implementing business rules and associated with transactions of a call center [col. 9, lns. 23-28];

calculating execution statistics relating to the execution of the workflow on the computer system [col. 3, lns. 22-31; col. 7, lns. 42-60; col. 9, lns. 40-46];

displaying a workflow diagram on a display screen associated with the computer system [see Fig. 8], wherein the workflow diagram symbolically depicts how the business rules are implemented for a given input; and

displaying a the execution statistics [col. 7, lns. 57-60: see Figs. 7 & 8] on the workflow diagram in real time [col. 11, lns. 23-32], wherein the execution statistics are for various steps displayed in the workflow diagram [col. 3, lns. 21-47; col. 18, lns. 16-26], wherein the execution statistics comprise time elapsed during execution of one of the various steps; and

wherein the execution statistics are selectively displayed by positioning a pointer over the display [col. 18, lns. 37-48]" [as detailed].

However, Hoyer does not appear to disclose, "wherein the workflow diagram symbolically depicts how the business rules are implemented for a given input", but Tubel does in col. 8, lns. 39-49.

Although Hoyer and Tubel do not appear to disclose, "wherein the execution statistics comprise time elapsed during execution of one of the various steps", Murray does in Abstract, wherein 'real time', 'elapsed time' and 'work process' correspond to "real time", "time elapsed" and "work flow".

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagramming disclosed by Hoyer in combination with symbolic rules including business rules disclosed by Tubel, and further coupled with real time, elapsed time of work process disclosed by Murray and motivated to combine the teachings of Tubel because it would provide an intuitive user interface, either for initially configuring a system or for interacting with the system objectives and goals as revealed by Tubel in col. 1, ln.

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67 – col. 2, ln. 2; and motivated to combine the teachings of Murray because it would provide for the time-motion analysis of work functions in which an operator performs the same task, comprising one or more manipulative steps, over a substantial period of time as revealed by Murray in col. 1, lns. 8-12.

(Examiner's note: Both "the execution statistics" and "positioning a pointer over the display" is very broad, whereby pointer can be positioned anywhere on the display and "execution statistics" can relate to any kind of execution statistics.)

B. Hoyer, Tubel and Murray disclose claim 28, "The method of claim 27, wherein displaying the execution statistics further includes displaying the execution statistics as one or more tables that overlay each of the steps [See Fig. 8, wherein 'Recorded Cluster Data' and Fig. 7 both correspond to "table"]" supra for claim 27 and furthermore by Hoyer [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagramming and tables as disclosed by Hoyer in combination with symbolic rules including business rules disclosed by Tubel, and further coupled with real time, elapsed time of work process disclosed by Murray and motivated to combine the teachings of Tubel because it would provide an intuitive user interface, either for initially configuring a system or for interacting with the system objectives and goals as revealed by Tubel in col. 1, ln. 67 – col. 2, ln. 2; and motivated to combine the teachings of Murray because it would provide for the time-motion analysis of work functions in which an operator performs the same task, comprising one or more manipulative steps, over a substantial period of time as revealed by Murray in col. 1, lns. 8-12.

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C. Hoyer, Tubel and Murray disclose claim 29, “The method of claim 28, wherein displaying the execution statistics further includes displaying within the one or more tables as at least one of total execution times for each of the steps and as numbers of executions preformed for each of the steps [wherein Duration corresponds to “total execution time” and ‘Hit Rate’ corresponds to “numbers of executions preformed for each of the steps” and/or col. 8, lns. 37-42]” supra for claim 28 and furthermore by Hoyer [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagramming and one or more tables as disclosed by Hoyer in combination with symbolic rules including business rules disclosed by Tubel, and further coupled with real time, elapsed time of work process disclosed by Murray and motivated to combine the teachings of Tubel because it would provide an intuitive user interface, either for initially configuring a system or for interacting with the system objectives and goals as revealed by Tubel in col. 1, ln. 67 – col. 2, ln. 2; and motivated to combine the teachings of Murray because it would provide for the time-motion analysis of work functions in which an operator performs the same task, comprising one or more manipulative steps, over a substantial period of time as revealed by Murray in col. 1, lns. 8-12.

D. Hoyer, Tubel and Murray disclose claim 30, “The method of claim 27, wherein displaying the execution statistics further includes displaying a number of the statistics in at least one of a numbered format and a percentage format [col. 7, lns. 44-60]” supra for claim 27 and furthermore by Hoyer [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagramming and numbering and percentage format as

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disclosed by Hoyer in combination with symbolic rules including business rules disclosed by Tubel, and further coupled with real time, elapsed time of work process disclosed by Murray and motivated to combine the teachings of Tubel because it would provide an intuitive user interface, either for initially configuring a system or for interacting with the system objectives and goals as revealed by Tubel in col. 1, ln. 67 – col. 2, ln. 2; and motivated to combine the teachings of Murray because it would provide for the time-motion analysis of work functions in which an operator performs the same task, comprising one or more manipulative steps, over a substantial period of time as revealed by Murray in col. 1, lns. 8-12.

E. Hoyer, Tubel and Murray disclose claim 31, “The method of claim 27, wherein displaying the execution statistics further includes presenting a number of the steps in a distinguishing color, wherein the distinguishing color is associated with select ones of the statistics [See Figs. 7 and 8, wherein the color happens to be black on white background]” supra for claim 27 and furthermore by Hoyer [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagramming and distinguishing color as disclosed by Hoyer in combination with symbolic rules including business rules disclosed by Tubel, and further coupled with real time, elapsed time of work process disclosed by Murray and motivated to combine the teachings of Tubel because it would provide an intuitive user interface, either for initially configuring a system or for interacting with the system objectives and goals as revealed by Tubel in col. 1, ln. 67 – col. 2, ln. 2; and motivated to combine the teachings of Murray because it would provide for the time-motion analysis of work functions in which an operator

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performs the same task, comprising one or more manipulative steps, over a substantial period of time as revealed by Murray in col. 1, lns. 8-12.

F. Hoyer, Tubel and Murray disclose claim 32, “The method of claim 27, wherein displaying the execution statistics further includes identifying the statistics in response to a profile [wherein the URL corresponds to a profile]” supra for claim 27 and furthermore by Hoyer [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagramming and profiles as disclosed by Hoyer in combination with symbolic rules including business rules disclosed by Tubel, and further coupled with real time, elapsed time of work process disclosed by Murray and motivated to combine the teachings of Tubel because it would provide an intuitive user interface, either for initially configuring a system or for interacting with the system objectives and goals as revealed by Tubel in col. 1, ln. 67 – col. 2, ln. 2; and motivated to combine the teachings of Murray because it would provide for the time-motion analysis of work functions in which an operator performs the same task, comprising one or more manipulative steps, over a substantial period of time as revealed by Murray in col. 1, lns. 8-12.

G. Hoyer, Tubel and Murray disclose claim 33, “The method of claim 27, wherein calculating further includes obtaining metrics to calculate the execution statistics from a database query in response to an identifier associated with the workflow [col. 2, lns. 40-45” wherein ‘vertical white line’s position on the time-line scale’ corresponds to “metrics” for calculation]” supra for claim 27 and furthermore by Hoyer [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagramming and position and scale as disclosed by Hoyer in combination with symbolic rules including business rules disclosed by Tubel, and further coupled with real time, elapsed time of work process disclosed by Murray and motivated to combine the teachings of Tubel because it would provide an intuitive user interface, either for initially configuring a system or for interacting with the system objectives and goals as revealed by Tubel in col. 1, ln. 67 – col. 2, ln. 2; and motivated to combine the teachings of Murray because it would provide for the time-motion analysis of work functions in which an operator performs the same task, comprising one or more manipulative steps, over a substantial period of time as revealed by Murray in col. 1, lns. 8-12.

H. Claim 47 is rejected since it depends from a rejected base claim.

5. Claims 27-33 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull et al., (US Pub. No.: 2003/0115545 A1), hereinafter Hull, further in view of Tubel et al., (US 6,434,435 B1), hereinafter Tubel, and further in view of Murray, (US 4,413,277).

A. Hull discloses claim 27, “A method of displaying information relating to a workflow driven by a computer system comprising:

executing the workflow [para. 0053 - 0056], the workflow implementing business rules and associated with transactions of a call center [para. 0057 – 0060, 0227, 0397];

calculating execution statistics relating to the execution of the workflow on the computer system [para. 0061 – 0068, 0397];

displaying a workflow diagram on a display screen associated with the computer system, [para. 0050, 0053, 0204, 0227, 0294, 0397, 0401, 0425 – 0434, 0437 – 0438, 0444] wherein the

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workflow diagram symbolically depicts how the business rules are implemented for a given input; and

displaying the execution statistics on the workflow diagram in real time [para. 0050], wherein the execution statistics are for various steps displayed in the workflow diagram [para. 0050, 0053, 0204, 0227, 0294, 0397, 0401, 0425 – 0434, 0437 – 0438, 0444], wherein the execution statistics comprise time elapsed during execution of one of the various steps; and

wherein the execution statistics are selectively displayed by positioning a pointer over the display [para. 0007, 0443, 0448]” is disclosed [as detailed].

However, Hull does not appear to disclose, “wherein the workflow diagram symbolically depicts how the business rules are implemented for a given input”, but Tubel does in col. 8, lns. 39-49.

Although Hull and Tubel do not appear to disclose, “wherein the execution statistics comprise time elapsed during execution of one of the various steps”, Murray does in Abstract, wherein ‘real time’, ‘elapsed time’ and ‘work process’ correspond to “real time”, “time elapsed” and “work flow”.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagramming disclosed by Hull in combination with symbolic rules including business rules disclosed by Tubel, and further coupled with real time, elapsed time of work process disclosed by Murray and motivated to combine the teachings of Tubel because it would provide an intuitive user interface, either for initially configuring a system or for interacting with the system objectives and goals as revealed by Tubel in col. 1, ln. 67 – col. 2, ln. 2; and motivated to combine the teachings of Murray because it would provide for

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the time-motion analysis of work functions in which an operator performs the same task, comprising one or more manipulative steps, over a substantial period of time as revealed by Murray in col. 1, lns. 8-12.

B. Hull, Tubel and Murray disclose claim 28, “The method of claim 27, wherein displaying the execution statistics further includes displaying the execution statistics as one or more tables that overlay each of the steps [para. 0008, 0426]” supra for claim 27 and furthermore by Hull [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagramming and tables as disclosed by Hull in combination with symbolic rules including business rules disclosed by Tubel, and further coupled with real time, elapsed time of work process disclosed by Murray and motivated to combine the teachings of Tubel because it would provide an intuitive user interface, either for initially configuring a system or for interacting with the system objectives and goals as revealed by Tubel in col. 1, ln. 67 – col. 2, ln. 2; and motivated to combine the teachings of Murray because it would provide for the time-motion analysis of work functions in which an operator performs the same task, comprising one or more manipulative steps, over a substantial period of time as revealed by Murray in col. 1, lns. 8-12.

C. Hull, Tubel and Murray disclose claim 29, “The method of claim 28, wherein displaying the execution statistics further includes displaying within the one or more tables as at least one of total execution times for each of the steps and as numbers of executions preformed for each of the steps [para. 0227, 0302, 0304, 0441, 0446, wherein runtime corresponds to execution time]” supra for claim 28 and furthermore by Hull [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagramming and one or more tables as disclosed by Hull in combination with symbolic rules including business rules disclosed by Tubel, and further coupled with real time, elapsed time of work process disclosed by Murray and motivated to combine the teachings of Tubel because it would provide an intuitive user interface, either for initially configuring a system or for interacting with the system objectives and goals as revealed by Tubel in col. 1, ln. 67 – col. 2, ln. 2; and motivated to combine the teachings of Murray because it would provide for the time-motion analysis of work functions in which an operator performs the same task, comprising one or more manipulative steps, over a substantial period of time as revealed by Murray in col. 1, lns. 8-12.

D. Hull, Tubel and Murray disclose claim 30, “The method of claim 27, wherein displaying the execution statistics further includes displaying a number of the statistics in at least one of a numbered format and a percentage format [para. 0446]” supra for claim 27 and furthermore by Hull [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagramming and numbering and percentage format as disclosed by Hull in combination with symbolic rules including business rules disclosed by Tubel, and further coupled with real time, elapsed time of work process disclosed by Murray and motivated to combine the teachings of Tubel because it would provide an intuitive user interface, either for initially configuring a system or for interacting with the system objectives and goals as revealed by Tubel in col. 1, ln. 67 – col. 2, ln. 2; and motivated to combine the teachings of Murray because it would provide for the time-motion analysis of work functions in which an

operator performs the same task, comprising one or more manipulative steps, over a substantial period of time as revealed by Murray in col. 1, lns. 8-12.

E. Hull, Tubel and Murray disclose claim 31, “The method of claim 27, wherein displaying the execution statistics further includes presenting a number of the steps in a distinguishing color, wherein the distinguishing color is associated with select ones of the statistics [para. 0446]” supra for claim 27 and furthermore by Hull [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagramming and distinguishing color as disclosed by Hull in combination with symbolic rules including business rules disclosed by Tubel, and further coupled with real time, elapsed time of work process disclosed by Murray and motivated to combine the teachings of Tubel because it would provide an intuitive user interface, either for initially configuring a system or for interacting with the system objectives and goals as revealed by Tubel in col. 1, ln. 67 – col. 2, ln. 2; and motivated to combine the teachings of Murray because it would provide for the time-motion analysis of work functions in which an operator performs the same task, comprising one or more manipulative steps, over a substantial period of time as revealed by Murray in col. 1, lns. 8-12.

F. Hull, Tubel and Murray disclose claim 32, “The method of claim 27, wherein displaying the execution statistics further includes identifying the statistics in response to a profile [para.0003, 0004, 0058 – 0078, 0091 – 0093, wherein attributes correspond to profile]” supra for claim 27 and furthermore by Hull [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagramming and profiles as disclosed by Hull in

combination with symbolic rules including business rules disclosed by Tubel, and further coupled with real time, elapsed time of work process disclosed by Murray and motivated to combine the teachings of Tubel because it would provide an intuitive user interface, either for initially configuring a system or for interacting with the system objectives and goals as revealed by Tubel in col. 1, ln. 67 – col. 2, ln. 2; and motivated to combine the teachings of Murray because it would provide for the time-motion analysis of work functions in which an operator performs the same task, comprising one or more manipulative steps, over a substantial period of time as revealed by Murray in col. 1, lns. 8-12.

G. Hull, Tubel and Murray disclose claim 33, “The method of claim 27, wherein calculating further includes obtaining metrics to calculate the execution statistics from a database query in response to an identifier associated with the workflow [para.0052, 0054, 0060, 0070 – 0071, 0073, 0075, 0176 - 0177]” supra for claim 27 and furthermore by Hull [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow diagramming and position and scale as disclosed by Hull in combination with symbolic rules including business rules disclosed by Tubel, and further coupled with real time, elapsed time of work process disclosed by Murray and motivated to combine the teachings of Tubel because it would provide an intuitive user interface, either for initially configuring a system or for interacting with the system objectives and goals as revealed by Tubel in col. 1, ln. 67 – col. 2, ln. 2; and motivated to combine the teachings of Murray because it would provide for the time-motion analysis of work functions in which an operator performs the same task, comprising one or more manipulative steps, over a substantial period of time as revealed by Murray in col. 1, lns. 8-12.

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H. Claim 47 is rejected since it depends from a rejected base claim.

Allowable Subject Matter

6. Claim 47 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter if rewritten in independent form including all of the limitations of the base claim and any intervening claims:

The closest prior art reference is McFarlane et al., (US 6,704,410 B1), hereinafter McFarlane. Even if McFarlane were combined with the references cited supra, McFarlane would be exceptionally penetrating for “querying the workflow engine on an interface exposed by the workflow engine, and extracting selected data from the obtained data by a data provider” as claimed in dependent claim 47, yet McFarlane, Hoyer, Hull, Tubel and Murray are all seemly void of “ using the selected data to calculate the execution statistics by the data provider; and providing the execution statistics to a workflow editor for display of the execution statistics; wherein there is no direct communication between the workflow engine and the workflow editor” as claimed in dependent claim 47.

Response to Arguments

7. Applicant's arguments filed 11/23/2005 have been fully considered but they are not persuasive.

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While the Applicants' concern, in a previous argument/comment for Hoyer not being representative of a transaction, the transaction inherent in Hoyer is the representation and exchange of information.

Claims 27-33 are read in view of their broadest interpretation. For example claim 27, recites preamble "a method of displaying information relating to a workflow driven by a computer system comprising" and then lists four elements separated by semicolons. Each of the four elements contribute to be part of a comprising for said preamble, but do not all provide further limitation as an interaction between the various four elements. For example the four elements do not necessarily speak to the same workflow, as would "said workflow".

Furthermore exemplified by claim 27, although the four elements are presented one after another, claim 27 makes no mention of a preferred order, steps, configuration or arrangement of the four elements with respect to one another. So while it may appear that the prior art reference discloses all the claimed elements in isolation, it is merely because the claimed elements as broadly interpreted, allow for such isolation.

With regard to the Applicant's specification and in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "workflow" is intended to mean a sequence of steps that are performed to, at least partially, process a transaction) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Even incorporating the contents of the specification: "a sequence of steps that are performed to, **at least partially**, process a transaction" does not presume a minimum of what

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constitutes to at least partially process a transaction. Hoyer et al. disclose a performance monitor to allow an administrator to monitor the real-time and historical performance of a web site to track different types of measurements such as hit rate and response time. The hit rate measurement inherently shows the performance data of the web site as to the number of online web site visitors, which corresponds to a transaction, if not at least partially, whereby there is an exchange of information (the visitor receives web site information and the web site receives a hit count, i.e. transaction, **at least partially**).

To merely state that Hoyer et al. (col. 9, lns. 23-28) clearly fails to disclose the element of claim 27 referencing "call center", is insufficient. Although the various attributes of an example of a call center site is illustrated in Figs. 2 and 3, still the claims are interpreted in light of the specification, but limitations from the specification are not read into the claims. Even still, various aspects of the exemplified call center relationships are event subsystems, email, web, agent, telephony, video, IVR and CTI. Hoyer et al. (col. 9, lns. 23-28) corresponds at least to call center "event subsystems".

Figs. 7 and 8 show a workflow diagramming the relationship of hits per second over time (seconds), fig. 7 for real-time and also displays workflow diagram of hts/sec as shown in figs. 7 for a particular host/server.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., For the purposes of this description, the term "workflow" is intended to mean a sequence of steps that are performed to, at least partially, process a transaction. In other words, "workflow" is intended to designate a form of business rule processing) are not recited in the rejected claim(s). Although

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the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments with respect to claims 27-33 have been considered but are also moot in view of the additional new ground(s) of rejection, Hull et al., (US Pub. No.: 2003/0115545 A1).

Applicant's arguments with respect to claims 27-33 have been considered but are moot in view of the new ground(s) of rejection. Wherein Tubel and Murray in combination clear any deficiencies in Hoyer and/or Hull.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Responses

9. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Inquiries

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory F. Cunningham whose telephone number is (571) 272-7784.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The Central FAX Number for the organization where this application or proceeding is assigned is **571-273-8300**.

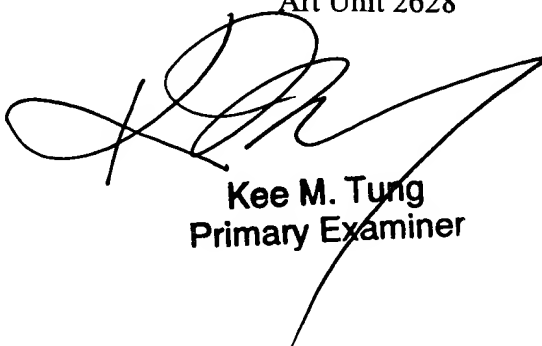
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory F. Cunningham
Examiner
Art Unit 2628

gfc

6/16/2006



Kee M. Tung
Primary Examiner